



**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Case No. 12-12020 (MG)

Residential Capital LLC, et al

Chapter 11

Debtors

Jointly Administered

**NOTICE OF APPEAL
(Claims Nos. 3910 & 4085)**

1. This is a Notice of Appeal of creditors Philip Emiabata and Sylvia Emiabata to the United States District Court of New York via the Southern District Bankruptcy Court of New York from the Denial Order dated August 27, 2015 – Order Denying Expedited Motion for Conference/Clarity of issue of Discovery.....And Adjournment of Omnibus Objection Hearing.....” as relating to claims # 3910 & 4085.
2. The other party involved in this appeal is the Debtors- Residential Capital LLC, et al which includes its Trust, and the Borrowers Claim Trust. Which has put and classified creditors claims 3910 & 4085 as a “No Liability Borrower Claims”.
3. The Appeal is based on the ground that the court erred in fact and in law. The evidence in record does not support the reason(s) the court stated in the said order of Denial (Doc # 9066) of Creditors Expedited Motion for Conference/ Clarity of issue of Discovery and Adjournment of Omnibus Objection Hearing (Doc. 9065)
4. The Bankruptcy court has been misrepresenting and highly erroneously too; which both in fact and law are not factual and correct, and has oftenly led to miscarriage of justice.
5. See the Order of the court Doc. 8563 vacating it order of Doc. 8400 which sustain the objection to the creditors claim.

This court order of vacating (Doc. 8563) which the court stated again in this very Order dated August 27, 2015, appealed herein – Order Denying Expedited Motion, the court stated: “Subsequently the Emiabatases advised the court that the objection was served at the incorrect address and they therefore did not receive proper notice(See ECF Doc. 8563)” at Para. 1. THIS IS NOT TRUE AS EVIENCE, RECORD SHOWS OTHERWISE. It was the debtors/ its counsels who made this statement to the court when the Emiabatases raised a highly fraudulent act, perpetrated by the debtors/Trust in badfaith to mislead and get a judgment based on fraudulent act. Which the debtors did, actually got (See April 1, 2015 order of the court- Doc. 8400). **Whereas the address of the Emiabatases is clearly in the Creditors Address Registry.**

6. One wonders why these continuous practice by debtors/ it counsels through and through has thus –patterns of deceit; et al.

Furthermore, one wonders why debtors were not sanctioned; but rather and to respectfully disagree with the court, putting the stated and highly despicable and misleading, fraud and revised it on creditors.

7. And this is one of the reasons creditors asked for the expedited motion for clarity – supra which the court denied. These debtors/ its counsels which have engaged in acts of fraud, deceits to get orders that favour them with the bankruptcy court. How can creditors and the court believe the statements, these debtors/ it counsels make in their omnibus objection, it supplemental and reply without Discoveries, Interrogations, Production of Documents and it authenticity.
8. The Appeal court should overturn the order of the bankruptcy court denying creditors expedited motion on conference and clarity on discovery issues and interrogations and adjournment of the omnibus hearing (as per Creditors Expedited Motion –Doc # 9065).

As this conference, clarity on Discovery issues will enable creditors to put a full defense to the debtors Omnibus Objection as provided by law ; because no person can fight with its hands tied at the back.

August 31, 2015

/s/ Philip Emiabata & Sylvia Emiabata
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ON NOTICE TO:

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